

**THIRTIETH DAY**

(Monday, March 6, 1967)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

|            |           |
|------------|-----------|
| Aikin      | Hightower |
| Bates      | Jordan    |
| Bernal     | Kennard   |
| Berry      | Mauzy     |
| Blanchard  | Moore     |
| Brooks     | Parkhouse |
| Christie   | Patman    |
| Cole       | Ratliff   |
| Connally   | Reagan    |
| Creighton  | Schwartz  |
| Grover     | Strong    |
| Hall       | Wade      |
| Hardeman   | Watson    |
| Harrington | Wilson    |
| Hazlewood  | Word      |
| Herring    |           |

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 2, was dispensed with and the Journal was approved.

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
March 6, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 52, A bill to be entitled "An Act requiring a director of a water district or river authority to file his personal bond with the Secretary of State; and declaring an emergency."

H. B. No. 63, A bill to be entitled "An Act relating to the issuance of refunding bonds for the purpose of refunding outstanding bonds and warrants secured by revenues from toll bridges acquired by cities; amending Chapter 258, Acts of the 49th Legislature, 1945, as amended (Article 1015g, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 125, A bill to be entitled "An Act transferring original jurisdiction in matters of eminent domain from the County Court of Hopkins County to the district courts in and for that county; and declaring an emergency."

H. B. No. 127, A bill to be entitled "An Act relating to the annual renewal registration fees for chiropractors; amending Section 8, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 196, A bill to be entitled "An Act to provide for the leasing of coal, lignite, sulphur and potash that may be upon and within surveys, and portions of surveys, that have heretofore been sold with all minerals reserved to the State; constituting the owner of the soil the agent of the State for the purpose of leasing such minerals, upon such terms as may be prescribed by the School Land Board; providing for one-half (½) of all bonuses, rentals and royalties to be paid by the lessee to the State, and like amounts to the owner of the soil; providing that the Commissioner of the General Land Office is given the right to reject and refuse to file any lease submitted which he feels is not to the best interest of the State; providing that the amounts received by the owner of the soil are in lieu of all damages to the soil; providing that all payments made to the State shall be through the Commissioner of the General Land Office, at Austin, Texas; providing that said minerals may be leased together or separately; providing for forfeiture of the lease for failure of lessee to comply with the law and the terms of the lease; providing for repeal of all conflicting laws, or parts thereof; enacting a savings clause; and declaring an emergency."

H. B. No. 213, A bill to be entitled "An Act repealing Section 4a of Acts 1961, 57th Legislature, 1st Called Session, page 38, chapter 15; and declaring an emergency."

H. B. No. 286, A bill to be entitled "An Act relating to the inspection and testing of citrus fruit transported into Texas for marketing and sale; amending Subsection (b), Section 4, Chapter 88, Acts of the 40th Legislature, 1st Called Session, 1927, as added

(Article 719a, Vernon's Texas Penal Code); and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Report of Standing Committee

Senator Parkhouse submitted the following report:

Austin, Texas,  
March 6, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 225, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

#### Senate Bills and Resolution on First Reading

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

By Senator Reagan:

S. B. No. 351, A bill to be entitled "An Act amending the Texas Miscellaneous Corporation Laws Act, enacted by Acts 1961, 57th Legislature, Chapter 205, Page 408, Section 1, by adding a new Article 1302-2.08, relating to the authority of certain corporations to borrow money and setting maximum interest rates thereon; prohibiting the plea or defense of usury in certain instances; providing exemptions; and declaring an emergency."

To the Committee on Banking.

By Senators Word and Kennard:

S. B. No. 352, A bill to be entitled "An Act relating to adjustment in the local fund assignment in certain school districts; amending Sections 1 and 2, Chapter 563, Acts of the 59th Legislature, Regular Session, 1965 (Article 2922-16e, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on Education.

By Senator Word:

S. B. No. 353, A bill to be entitled "An Act prescribing the minimum and maximum salary to be paid to the official shorthand reporter for the 40th

Judicial District; prescribing the method of fixing and paying such salary; providing for additional duties by said reporter in the County Court of Ellis County, Texas; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senators Word and Hall:

S. B. No. 354, A bill to be entitled "An Act authorizing the commissioners court of each county within the state to expend county funds for membership fees and dues to a non-profit state association or organization of counties; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Hazlewood:

S. B. No. 355, A bill to be entitled "An Act prescribing a limitation on the power of the State Board of Insurance to promulgate motor vehicle insurance premium rating plans; amending Chapter 5, Texas Insurance Code, by adding Article 5.01A; and declaring an emergency."

To the Committee on Insurance.

By Senator Hazlewood:

S. B. No. 356, A bill to be entitled "An Act amending Article 46.02, Code of Criminal Procedure, 1965, relating to insanity as a defense or as a bar in criminal cases; and declaring an emergency."

To the Committee on Jurisprudence.

By Senators Aikin, Brooks, Grover, Cole and Jordan:

S. B. No. 357, A bill to be entitled "An Act appropriating the sum of \$2,500,000 to be used for the purpose of furnishing and equipping additions to The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston; repealing laws in conflict; and declaring an emergency."

To the Committee on Finance.

By Senator Aikin:

S. B. No. 358, A bill to be entitled "An Act to permit any member of the Teacher Retirement System who has heretofore performed active military service as a member of the Armed Forces of the United States during World War II or a period of twelve (12) months thereafter to make deposits with the Teacher Retirement

System and receive current membership service credit for each creditable year of military service; prescribing the amount of deposit; defining certain terms used herein; declaring the Act to be cumulative and declaring an emergency."

To the Committee on Education.

By Senator Hightower:

S. B. No. 359, A bill to be entitled "An Act amending Section 1, Article 22.18, Texas Insurance Code, by adding Article 3.62, concerning attorney's fees and penalties, to the list of Articles which apply to stipulated premium companies; and declaring an emergency."

To the Committee on Insurance.

By Senator Herring:

S. B. No. 360, A bill to be entitled "An Act authorizing the Parks and Wildlife Department of the State of Texas to convey and the Board of Regents of The University of Texas System to accept for and on behalf of The University of Texas M. D. Anderson Hospital and Tumor Institute certain lands in Bastrop County, Texas, to be used as a science park and for research purposes; and declaring an emergency."

To the Committee on State Affairs.

By Senator Herring:

S. B. No. 361, A bill to be entitled "An Act concerning the required Government or Political Science and American History courses in state-supported and state-aided colleges and universities; amending Sections 2 and 4, Chapter 83, Acts 41st Leg., 2d Called Session, 1929 as amended, and Section 1, Chapter 449, Acts 54th Leg., 1955; and declaring an emergency."

To the Committee on Education.

By Senators Bernal and Connally:

S. B. No. 362, A bill to be entitled "An Act relating to assessment of taxes in hospital districts located in counties having more than 650,000 population according to the last preceding federal census, having teaching facilities affiliated with a state-supported medical school, and organized pursuant to Chapter 257, Acts of the 54th Legislature, 1955, as amended (Article 4494n, Vernon's Texas Civil Statutes); amending Chapter 257, Acts of the 54th Legislature, 1955, as amended (Article

4494n, Vernon's Texas Civil Statutes), to add a new Section 2b; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senators Cole and Hightower:

S. B. No. 363, A bill to be entitled "An Act relating to the Board of Nurse Examiners, its organization, duties and procedure, and the regulation of the practice of professional nursing; amending and revising Chapter 7, Title 71, Revised Civil Statutes of Texas, 1925, as amended; repealing Article 4520, Revised Civil Statutes of Texas, 1925, and Articles 776 and 777, Penal Code of Texas, 1925; and declaring an emergency."

To the Committee on Public Health.

By Senator Cole:

S. B. No. 364, A bill to be entitled "An Act relating to the appointment of public weighers; amending Articles 5681, 5683, 5685, 5687, 5692, and 5702, Revised Civil Statutes of Texas, 1925, as amended, and repealing Article 5682; and declaring an emergency."

To the Committee on State Affairs.

By Senators Bates and Blanchard:

S. B. No. 365, A bill to be entitled "An Act authorizing the governing boards of Texas Technological College and Pan American College to construct, acquire, extend, improve and equip a utility plant, to issue negotiable revenue bonds for such purposes, to pledge revenues to the payment of such bonds, to issue refunding bonds, declaring such bonds to be legal investments and qualifying same for security of public funds, providing other matters relating thereto; and declaring an emergency."

To the Committee on State Affairs.

By Senator Bates:

S. B. No. 366, A bill to be entitled "An Act amending Chapter 467, House Bill No. 77, Acts, Second Called Session, Forty-fourth Legislature, as such has been heretofore amended, being the Texas Liquor Control Act and being the Act carried in Vernon's Penal Code as Articles 666 and 667 by adding a new section, to be designated Section 33, to Article II of the Texas Liquor Control Act so as to change the method of collecting the tax on ale and malt liquor to a

reporting system under bond instead of the stamp system currently in use; fixing the liability for the payment of the tax; providing a method for refunds of excess payment of the tax; providing for surety bonds to protect the State's revenue; authorizing the Board to require full reporting as to purchases, sales and shipments of ale and malt liquor; providing penalties for possession of ale and malt liquor on which the tax is delinquent; providing that a certificate by the Board or Administrator showing tax delinquency shall be prima facie evidence of the levy of the tax; and giving the Board and the Administrator the power to do any and all things necessary to carry out the intent of this Section; providing an effective date of the Act of September 1, 1967; providing a severability clause; providing for repeal of laws in conflict herewith; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Christie:

S. B. No. 367, A bill to be entitled "An Act transferring the authority to license private mental hospitals from the Texas State Department of Health to the Texas Department of Mental Health and Mental Retardation; amending Section 4, chapter 243, Acts, 55th Legislature, Regular Session, 1957, (codified as Article 5547-4, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on State Affairs.

By Senators Brooks, Bernal, Jordan and Christie:

S. B. No. 368, A bill to be entitled "An Act providing for issuance of an operator's, commercial operator's, or chauffeur's license of a distinguishing color to a license applicant under 21 years of age; providing for a color photograph of the holder on each license; raising the license fee; amending Sections 11 and 19, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on State Affairs.

By Senator Watson:

S. B. No. 369, A bill to be entitled "An Act relating to fees for services provided by community centers; requiring county attorneys to file suit on behalf of such centers to collect

for services; amending Section 3.14, chapter 67, Acts of the 59th Legislature, Regular Session, (codified as Section 3.14, Article 5547-203, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on Jurisprudence.

(Senator Hightower in the Chair.)

By Senator Watson:

S. B. No. 370, A bill to be entitled "An Act authorizing the Board of Directors of Texas A&M University to lease any portion of the James Connally Air Force Base that the board determines not necessary for the establishment or operation of the James Connally Technical Institute of Texas A&M University; amending Chapter 91, Acts of the 59th Legislature, Regular Session, 1965 by adding Section 4A (Article 2615f-1, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on State Affairs.

(President in the Chair.)

By Senator Watson:

S. B. No. 371, A bill to be entitled "An Act providing a penalty for the failure of certain persons to comply with requests of the county auditor; adding Article 1663a to the Revised Civil Statutes of Texas, 1925; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Watson:

S. B. No. 372, A bill to be entitled "An Act relating to the disposition of money collected by district, county, and precinct officials; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Watson:

S. B. No. 373, A bill to be entitled "An Act relating to the bond required of certain county and district officials; amending Articles 323, 330, 1897, 2373, 6866, and 6881, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Watson:

S. B. No. 374, A bill to be entitled "An Act providing that certain counties not presently required by law to use the jury wheel system may adopt the use of the jury wheel for

the selection of jurors; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Hall:

S. B. No. 375, A bill to be entitled "An Act relating to re-establishing certain graduate programs leading to the Doctor of Philosophy degree at East Texas State University; and declaring an emergency."

To the Committee on Education.

By Senator Connally:

S. B. No. 376, A bill to be entitled "An Act amending Section 1 of Chapter 143, page 419, Acts of the 58th Legislature, which is codified as Article 326k-48, Vernon's Texas Civil Statutes, to supplement the salary of the District Attorney of the 81st Judicial District; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Watson:

S. J. R. No. 27, Proposing an amendment to Section 11, Article I, Constitution of the State of Texas, to provide that certain persons in custody for the commission of an offense are not entitled to be admitted to bail.

To the Committee on Constitutional Amendments.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
March 6, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 65, a bill to be entitled "An Act changing the name of the Rockport Wildlife Sanctuary to the Connie Hagar Wildlife Sanctuary; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Concurrent Resolution 31

Senator Moore offered the following resolution:

S. C. R. No. 31, Granting J. C. Evans and George Evans permission to sue the State of Texas.

Whereas, J. C. Evans and George Evans are residents of Houston County, Texas, and operate a dairy and make their home near the Eastham State Farm located in Houston County, Texas; and

Whereas, The Eastham State Farm is a unit of the Texas Department of Public Corrections and houses approximately two thousand inmates of the Texas Penal System; and

Whereas, The main unit of the Texas Department of Corrections is located in the City of Huntsville, Walker County, Texas; and

Whereas, On the 25th day of March, 1966, the said J. C. Evans and George Evans were subjected to a vicious and wanton attack by two escapees of the Eastham State Farm located near Weldon, Houston County, Texas; and

Whereas, The escaping inmates were able to effect their escape because only one guard had been assigned to supervise approximately forty inmates who were working in the woods; and

Whereas, After the two inmates effected their escape the authorities of the Eastham State Farm refused to warn the local citizenry living in the vicinity of the Eastham State Farm that two dangerous and vicious inmates had been able to escape from custody; and

Whereas, The said J. C. Evans and George Evans were totally and completely unaware of such escape and as the result of their lack of knowledge of such escape neither the said J. C. Evans nor George Evans exercised the same extraordinary precaution that they would have exercised had they been notified of such escape and the fact that the escapees were considered to be vicious and dangerous criminals; and

Whereas, J. C. Evans and George Evans entered their dairy barn preparatory to milking the herd as was their usual custom prior to daylight on the 25th day of March, 1966, when suddenly and without warning they were stricken down by the two escapees who were wielding metal instruments of some kind or character and in addition thereto the two escapees were armed and subjected the said J. C. Evans and George Evans to a vicious attack about the head, shoulders and body of each; and

Whereas, The escaped inmates thereafter began a reign of terror in

the home of the said J. C. Evans and George Evans; and

Whereas, The escapees finally left after severely beating J. C. Evans and George Evans and leaving them with severe and disabling injuries that are of a permanent and lasting nature; and

Whereas, The inmates would not have escaped had it not been for the negligence of the authorities of the Eastham State Farm in assigning forty men to the care and custody of one guard when the authorities well knew, or should have foreseen, that one custodian could not supervise the work of forty inmates and particularly in the wooded area where they were working; and

Whereas, The authorities of the Eastham State Farm were well aware of the fact that the two escapees were vicious and dangerous criminals and were likely to employ any means to effect their escape and for this reason the authorities of the Eastham State Farm were negligent in failing to notify the local citizens, including J. C. Evans and George Evans, that the two inmates had escaped and that they were dangerous and cautioning them to exercise every reasonable precaution for their own safety and well being; and

Whereas, The Director of the Department of Corrections denies these contentions and avers that the authorities or custodians of the Eastham State Farm and particularly the custodian in charge of the two escapees was negligent in any manner and denies also that the Department of Corrections or any of its personnel were negligent in failing to notify the local citizens and particularly J. C. Evans and George Evans, that the inmates had escaped; and

Whereas, Such controversy should be determined and decided by the courts of this State; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said J. C. Evans and George Evans be, and they are hereby, given permission to sue the State of Texas, jointly or by separate suits, in any court of competent jurisdiction in said State to determine whether or not the State is liable to them for damages resulting from injuries suffered by them after having been beaten by the two escapees of

the Eastham State Farm; and be it further

Resolved, That service of citation and of any other legal process in any such suit shall be had upon the Director of the Texas Department of Corrections and upon the Attorney General of the State of Texas, with service of process upon both of these officials to have the same force and effect as the service of process upon a defendant in any other civil case, according to the Rules of Civil Procedure as promulgated and adopted by the Supreme Court of Texas; and be it further

Resolved, That any such party in any such suit shall have the right of appeal as provided in other civil cases; and be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in any such suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and be it further

Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as of law, that may be asserted by or available to the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit or suits, but all such defenses are hereby specifically reserved.

The resolution was read and was referred to the Committee on Jurisprudence.

#### Senate Concurrent Resolution 32

Senator Herring offered the following resolution:

S. C. R. No. 32, Recommending study of retirement age policies of State Departments.

Whereas, The strength and efficiency of the Government of the State of Texas are dependent upon the ability and experience of the officials and employees of the State who carry out the policies and actions of the Texas Legislature; and

Whereas, There is a dire need in Texas at this particular time to uphold and increase the strength and the efficiency of the various branches of the Government; and

Whereas, There continues to be a shortage of qualified personnel available in all sectors of the Government and particularly in the professional and technical skills; and

Whereas, It is the present policy of the State Government to permit each Department to establish administratively its own retirement age policy; and

Whereas, It is found that by such a procedure there are various retirement age policies in the individual Departments of the Government; and

Whereas, It is noted that in many cases the arbitrary mandatory retirement age is causing a loss to the State Government of veteran employees who could still contribute a great deal to the success of our Government, thereby causing the State to suffer a loss of experienced manpower in which the State has a substantial investment; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the governing officials of the various Departments of the State Government be and are hereby requested to carefully restudy the retirement age policies of such Departments in light of present circumstances in order that more uniformity may prevail throughout the State Government and seasoned, experienced manpower wherever possible be conserved for the best interest of the State of Texas.

HERRING  
HARDEMAN  
CREIGHTON  
PATMAN  
AIKIN  
WORD  
HALL  
MAUZY  
GROVER  
BERNAL  
HIGHTOWER  
BATES  
CHRISTIE  
RATLIFF  
BLANCHARD  
PARKHOUSE  
WADE  
KENNARD  
JORDAN  
COLE

The resolution was read.

On motion of Senator Herring and by unanimous consent the resolution was considered immediately and was adopted.

### Senate Concurrent Resolution 33

Senator Hardeman offered the following resolution:

S. C. R. No. 33, Inviting Ambassador Edward Clark to address a Joint Session of the 60th Legislature at his convenience.

Whereas, Honorable Edward Clark of San Augustine and Austin, now serving as Ambassador of the United States to Australia, is in Texas; and

Whereas, This distinguished Texan has ably served his County, his State and his Country in various capacities and is well versed in matters of history and government; and

Whereas, It is the desire of the Senate of Texas, the House of Representatives concurring, to invite Ambassador Clark to address a Joint Session of the 60th Legislature; now therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That Ambassador Clark be and he is hereby invited to address a Joint Session of the 60th Legislature at his convenience.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the resolution was considered immediately and was adopted.

### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
March 6, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 28, Inviting Sons of American Revolution to hold its Congress in Texas.

H. B. No. 341, A bill to be entitled "An Act to increase the jurisdiction of home rule city governments to police lakes owned by such cities; amending Paragraph 19, Section 4,

Chapter 147, Acts of the 33rd Legislature, Regular Session, 1913 (Article 1175, subdivision 19, Vernon's Texas Civil Statutes, 1925); and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**Motion to Substitute the Minority  
Report for Majority Report on  
Senate Bill 146**

Senator Patman moved that the Minority Report on S. B. No. 146 be substituted for the Majority Report and that S. B. No. 146 be printed.

Pending discussion by Senator Hardeman of the motion, Senator Parkhouse moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion to adjourn was lost by the following vote:

**Yeas—11**

|           |           |
|-----------|-----------|
| Cole      | Parkhouse |
| Creighton | Ratliff   |
| Grover    | Reagan    |
| Hardeman  | Schwartz  |
| Hazlewood | Wade      |
| Moore     |           |

**Nays—19**

|           |           |
|-----------|-----------|
| Aikin     | Hightower |
| Bates     | Jordan    |
| Bernal    | Kennard   |
| Berry     | Mauzy     |
| Blanchard | Patman    |
| Brooks    | Strong    |
| Christie  | Watson    |
| Connally  | Wilson    |
| Hall      | Word      |
| Herring   |           |

**Absent**

Harrington

Question: Shall the Minority Report on S. B. No. 146 be substituted for the Majority Report?

**House Bills on First Reading**

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 207, to Committee on Counties, Cities and Towns.

H. B. No. 213, to Committee on State Affairs.

**Report of Standing Committee**

Senator Herring by unanimous consent submitted the following report:

Austin, Texas,  
March 6, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence to which was referred S. C. R. No. 31, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

**Motion to Substitute Minority  
Report for Majority Report  
on Senate Bill 146**

The Senate resumed the consideration of the motion by Senator Patman that the Minority Report on S. B. No. 146 be substituted for the Majority Report and be ordered printed.

Pending discussion by Senator Hardeman of the motion, Senator Creighton moved that the Senate take recess until 2:00 o'clock p.m. today.

Senator Moore moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question first on the motion by Senator Moore to adjourn until 10:30 o'clock a.m. tomorrow, "Yeas" and "Nays" were demanded.

The motion was lost by the following vote:

**Yeas—11**

|           |           |
|-----------|-----------|
| Blanchard | Parkhouse |
| Cole      | Ratliff   |
| Connally  | Reagan    |
| Hardeman  | Schwartz  |
| Hazlewood | Wade      |
| Moore     |           |

**Nays—20**

|        |           |
|--------|-----------|
| Aikin  | Brooks    |
| Bates  | Christie  |
| Bernal | Creighton |
| Berry  | Grover    |

|            |        |
|------------|--------|
| Hall       | Mauzy  |
| Harrington | Patman |
| Herring    | Strong |
| Hightower  | Watson |
| Jordan     | Wilson |
| Kennard    | Word   |

Question next on the motion by Senator Creighton to take recess until 2:00 o'clock p.m. today, "Yeas" and "Nays" were demanded.

The motion was lost by the following vote:

## Yeas—7

|           |           |
|-----------|-----------|
| Bates     | Herring   |
| Blanchard | Parkhouse |
| Christie  | Schwartz  |
| Creighton |           |

## Nays—24

|            |         |
|------------|---------|
| Aikin      | Jordan  |
| Bernal     | Kennard |
| Berry      | Mauzy   |
| Brooks     | Moore   |
| Cole       | Patman  |
| Connally   | Ratliff |
| Grover     | Reagan  |
| Hall       | Strong  |
| Hardeman   | Wade    |
| Harrington | Watson  |
| Hazlewood  | Wilson  |
| Hightower  | Word    |

**Minority Report Substituted for  
Majority Report on Senate Bill  
146 and Ordered Printed**

The Senate resumed the consideration of the motion by Senator Patman that the Minority Report on S. B. No. 146 be substituted for the Majority Report and be ordered printed.

Question on the motion, "Yeas" and "Nays" were demanded.

The motion prevailed by the following vote:

## Yeas—21

|            |           |
|------------|-----------|
| Aikin      | Herring   |
| Bates      | Hightower |
| Bernal     | Jordan    |
| Berry      | Kennard   |
| Brooks     | Mauzy     |
| Christie   | Patman    |
| Cole       | Strong    |
| Creighton  | Watson    |
| Grover     | Wilson    |
| Hall       | Word      |
| Harrington |           |

## Nays—10

|           |           |
|-----------|-----------|
| Blanchard | Parkhouse |
| Connally  | Ratliff   |
| Hardeman  | Reagan    |
| Hazlewood | Schwartz  |
| Moore     | Wade      |

**Report of Standing Committee**

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,  
March 6, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 362, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HALL, Chairman.

**Senate Bill 362 Ordered Not Printed**

On motion of Senator Bernal and by unanimous consent S. B. No. 362 was ordered not printed.

**Senate Bill 142 Re-referred**

On motion of Senator Mauzy and by unanimous consent S. B. No. 142 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Jurisprudence.

**House Bill on First Reading**

The following bill received from the House, was read the first time and referred to the Committee indicated:

H. B. No. 196, to Committee on Oil and Gas.

**Memorial Resolutions**

S. R. No. 200—By Senator Word: Memorial resolution for John F. Buckner of Cleburne.

S. R. No. 202—By Senator Watson: Memorial resolution for Miss Ida Orand of Waco.

S. R. No. 203—By Senator Watson: Memorial resolution for Elisha H. Hines of Groesbeck.

S. R. No. 204—By Senator Watson: Memorial resolution for Wilcie A. Browder of Groesbeck.

**Welcome Resolutions**

S. R. No. 198—By Senator Herring:  
Extending welcome to Fifth Grade  
students from Palm School of Austin.

S. R. No. 199—By Senator Ratliff:  
Extending welcome to Mr. and Mrs.  
John E. Beal, John Carroll, Sally and  
Vita.

S. R. No. 205—By Senator Herring:

Extending welcome to Third Grade  
students from Sims School of Austin.

S. R. No. 206—By Senator Word:  
Extending welcome to students of  
Iredell High School.

**Adjournment**

On motion of Senator Hardeman  
the Senate at 12:25 o'clock p.m. ad-  
journed until 10:30 o'clock a.m. to-  
morrow.

# In Memory of

## Dr. Herbert R. Martin

Senator Watson offered the following resolution:

(Senate Resolution 201)

Whereas, On November 2, 1966, the State of Texas lost one of its most highly esteemed citizens in the passing of Dr. Herbert R. Martin of Mexia at the age of 64; and

Whereas, Dr. Martin was a native of Groesbeck and a lifelong resident of Limestone County; he was a 1919 graduate of Groesbeck High School, and attended Baylor University and the Baylor Dental School at Dallas before transferring to Vanderbilt University in Tennessee in 1924, where he received his degree as Doctor of Dental Surgery; and

Whereas, His first dental practice was established in Coolidge in 1924, but the following year he moved to Mexia where he remained in the practice of dentistry for many years. He was associated in practice with the late Dr. Jack Oliver, and later, with Dr. Jack McKinney for about a year; at the time of his death he was a dentist at the Mexia State School; and

Whereas, During World War II, he volunteered for service but was rejected because he was the only dentist in Mexia; and

Whereas, While still a student in Groesbeck High School, he was a member of the old Texas Cavalry Reserve; following World War I, he helped to organize the National Guard unit in Mexia, and was a second lieutenant in the old Company B; and

Whereas, He was greatly interested in young people and helped foster the Boy Scout movement in Limestone County, serving as Scoutmaster for Coolidge's first troop; and

Whereas, His hobbies were hunting, fishing, and golf, and he owned some of the top coon and bird dogs in the United States; he served as president of the Bluebonnet Quail Hunters Association; he was a director of the Texas Open Field Trail Association and was president of the Texas State Coon Hunters Association; and

Whereas, In 1958, Dr. Martin was presented with the Sportsmanship Trophy by the Texas State Coon Hunters Association; and

Whereas, His fraternal affiliations included Psi Omega dental fraternity and Delta Kappa Epsilon social fraternity; he had been awarded a fellowship in the American College of Dentistry and had the Good Fellow Award, given for 30 years of continuous association with the Texas Dental Society; and

Whereas, He was a member of the American, Texas State and Sixth District Dental Society and the Academy of Dentistry for the Handicapped; he also belonged to the Texas Association for Retarded Children and was a Fellow of the American Mental Deficiency Association; he was a member of the American Rehabilitation Association and a past member of the Board for Texas State Hospitals and Special Schools; and

Whereas, Dr. Martin had twice been cited with Certificates of Appreciation from the Texas Association of Retarded Children and with a Certificate of Appreciation from the Texas State Hospital Board; he received plaques of appreciation from the citizens of Denton and from the Mexia Chamber of Commerce for "outstanding services"; and

Whereas, He was a former member of the Official Board of the Methodist Church, and an active member of the Mexia Methodist Church; and

Whereas, The Senate of Texas wishes to extend sympathy to the members of his family on their great loss and to express appreciation for the civic service and professional leadership of Dr. Herbert R. Martin; now, therefore, be it

Resolved, That the Senate of Texas by this Resolution pay tribute to Dr. Herbert R. Martin; and, be it further

Resolved, That copies of this Resolution be prepared for his family; his wife; a son, Hardin Martin of Mexia; and two daughters, Mrs. Edward J. Bowden, Jr., of Mexia and Mrs. Ray Johnson of Austin; and that when the Senate adjourns this day it do so in memory of Dr. Herbert R. Martin.

WATSON

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Wilson, Word.

The resolution was read.

On motion of Senator Creighton and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.